

'03 DEC 29 P1:14

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS HRS 29 A7:55

TO: Chief Procurement Officer

FROM: Department of Human Services/Med-QUEST Division
 (Department/Division/Agency)

ADMINISTRATION
 STATE PROCUREMENT OFFICE
 STATE OF HAWAII

Pursuant to § 103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

Legal services in connection with the Medicaid Program, Title XIX of the Social Security Act. Services to include amendments to the Hawaii State Plan for Disproportionate Share Hospital Payments (DSH), cost share for Medicare eligibles Nursing & Acute facility Upper Limit Payments (UPL) and Medicare bad debt.

Name of Vendor: Covington & Burling Address: 1201 Pennsylvania Ave. NW Washington, DC 20004-2401	Cost: <div style="text-align: right;">\$200,000.00</div>
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Term of Contract:	From: Upon CPO Approval	To: June 30, 2004	Prior Exemption Ref. No. (if applicable)
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

See Attached

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The department had completed the procurement for Professional Services and Covington & Burling was the only offeror.

A description of the agency's internal controls and approval requirements for the exempted procurement:

The contract for legal services will be under the direction of DHS along with supervision and oversight of the Attorney General.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Aileen Hiramatsu, Med-QUEST Administrator
Brian Pang, Finance Officer
Edwin Igarashi, Fiscal Management Officer
Heidi Rian, Deputy Attorney General

Direct questions to:


Brian Pang

Phone Number:

(808) 692-7956

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR: Yes ☐ No ☐

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS, TO THE BEST OF MY KNOWLEDGE,
TRUE AND CORRECT.**



Department Head or Designee

Date

Director

Title (If other than Department Head)

DEC 23 2003


Chief Procurement Officer's Comments:

Approval is granted, with the understanding the the contractor will comply with section 103D-310(c) of Act 52 DOTAX and DLIR requirements.

Please ensure adherence to applicable administrative requirements

☒ APPROVED

☐ DISAPPROVED


Chief Procurement Officer

1/17/04

Date

cc: Administrator,
State Procurement Office

The department has completed a procurement of professional services. Covington & Burling was the only offeror for this procurement. Mr. Charles Miller who will be the lead attorney has over 30 years of experience in dealing with the Medicaid State Plans across the nation. The department is seeking a waiver of Act 52 which was passed during the last legislative session. Act 52 requires that contractors be registered to do business in Hawaii. While Covington & Burling could obtain a certificate of good standing from its home state, and could conceivably establish a local office, the local office could not perform the services required by the contract unless it is staffed by someone who is licensed to practice law in Hawaii. This amendment would require the attorney, Mr. Charles Miller, himself to apply for, take, and pass the Hawaii bar examination and become licensed to practice law in Hawaii. Becoming licensed to practice law or association with a legal firm in Hawaii is costly and time consuming and impracticable. Also importantly, Mr. Miller's legal services are needed on a time sensitive basis because we are attempting to get over \$10 million new federal dollars for Hawaii which requires Mr. Miller's expertise and certain actions that he must take immediately in Washington, D.C., on our behalf to ensure legal authorizations from the Centers For Medicare and Medicaid Services (CMS). In short, time is of the essence and the specialized services are to be performed out-of-state as well as in Hawaii. These factors make Act 52 inapplicable or inappropriate for which this exemption is being sought as an urgent request.